

**WILLIAMSBURG CITY COUNCIL**  
**MARCH 11, 2004**  
**MINUTES**

The Williamsburg City Council held its regular monthly meeting on March 11, 2004, at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Hudson, Nester, Serra, Yost, Weiler, Walentisch, and Assistant City Manager Jodi Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Mr. Houghland Moved Approval of the City Council Minutes of February 9 and February 12, 2004 and Retreat of February 28, 2004. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

**PUBLIC HEARING**

**Community Development Block Grant Proposal to the Virginia Department of Housing and Community Development for the Braxton Court Redevelopment Project**

Reference for this item was the project summary entitled "Braxton Court Neighborhood Revitalization Project," prepared by the Williamsburg Redevelopment and Housing Authority (WRHA), with assistance from K.W. Poore and Associates, Inc., dated March 11, 2004.

Mr. Tuttle introduced Mr. James Gurganus, Director of the WRHA, and Mr. Ken Poore, Consultant, to give an overview of the project.

Mr. Gurganus, representing the WRHA, said the purpose of this public hearing was to solicit citizen comment and input on the block grant application. He reviewed the housing revitalization and infrastructure improvements that were planned as part of this project. The total cost of the project is \$1,649,042, and \$932,000 would come from the Virginia Department of Housing and Community Development. The Housing Authority applied for this same grant last year, but did not receive funding. They now feel, after meeting with residents of the community and the VDHCD, and with a few changes to the application, that they have a good chance for approval this year. He introduced Mr. Poore to review the goals and objectives of the project.

Mr. Ken Poore said that the Housing Authority has received guidance from the State grant reviews on this year's grant submittal, and that they have the interest of citizens. Both Federal and State funding has been difficult to obtain because of budget cuts, and

competition is tougher for the monies. They have been working hard in the neighborhood to obtain citizen commitments. Mr. Poore asked that Council continue this matter and the taking of official action until after the Housing Authority Board meets on March 18. They will then bring a final budget and resolution after the Board acts. Mr. Poore said the project parameters are similar to last year's project, and they have included some properties for redevelopment that front on Scotland Street. He reviewed the particulars about the redevelopment project and relocation plans. The integrity of the neighborhood will be maintained as much as possible. They are asking the city to underwrite a portion of the infrastructure improvements, including street resurfacing, street lighting, new sewer lines, curb and gutter, storm drain improvements, and to consider underground wiring. They would like to at least bundle and underground some of the wires. Mr. Poore requested the city's commitment to assist with clean up of overgrown vegetation in the neighborhood. At the March 18 Housing Authority Board meeting, the Board will hold a public hearing to hear from citizens. He hoped to be able to have the final budget and resolution for Council when they take up this matter at a later date.

Mayor Zeidler opened the public hearing.

**Mr. Oscar Blayton, representing Colonial Investors, 115 Chinkapin Lane,** addressed Council regarding the CDBG and the property located at 747-B Scotland Street. Mr. Blayton complained that there had been little information provided to property owners and residents about the CDBG project. He asked who went to Richmond to meet with which State reps to discuss the project. He complained that the notifications received regarding the project were after the date of the meeting. He was of the opinion that nothing had been done about the dilapidated house on 747-B Scotland Street because if it were left standing, it would further indicate that Braxton Court was a "blighted" neighborhood. No other property would be allowed to stand in that same condition for three years. The house is a fire hazard, unsafe, and devalues surrounding properties. He asked Council to hold the WRHA to a specific date to demolish the house, even if the CDBG funds are not received.

No one else wished to speak. The public hearing was closed.

The Mayor said Council would take action on this matter on March 22, 5:00 p.m., in the third floor conference room, Municipal Building, before the scheduled City Council budget work session.

Mr. Tuttle reported that city staff received engineering estimates to undergrounding all utilities, for a total cost of \$244,000. If most wires were left above ground and bundled, but connections undergrounded, the cost would be \$44,000. Mr. Houghland said if this was a private developer, the wires would have to be underground, and he believed that the city would be remiss if they did not do the undergrounding at this time. Council should consider this and make a good decision. Mr. Tuttle noted that the undergrounding of wires would be done with 100% local funds and is not imperative to the grant submittal.

Mr. Haulman supported the city making the infrastructure improvements to make the neighborhood more viable. Mr. Tuttle added that the CDBG project approval would provide justification for doing the improvements in this particular neighborhood at this time.

Mr. Gurganus responded to Mr. Haulman's questions. Mr. Gurganus said that staff went to Todd Christensen's office (DHCD), to meet with grant reviewers Chris Thompson and

Denise Ambrose. They discussed the previous application and clarified some misunderstandings. Property owners Robert Braxton, David Braxton, Juanita Cooke, and Jean Stewart also met to discuss the application. The application was amended, and since less CDBG applications were filed this year, it was hoped that funds would be received even though overall funding was cut. Mr. Gurganus explained that meeting notices are mailed routinely one week before meetings, but there were problems with delivery. Regarding 747B Scotland Street, there are disputes about the property lines.

Mr. Oscar Blayton reiterated and clarified that he would not stand in the way of the Housing Authority taking down the house.

Mr. Scruggs was concerned for the people in Braxton Court and for any exposure to blight. The WRHA has redeveloped quite a few properties since Mr. Gurganus came to the Authority, including Strawberry Plains. He trusted that the Housing Authority's intent, and that of its director, was to improve Braxton Court for the sake of the people who live there now.

Mayor Zeidler thanked everyone for commenting. This matter is continued until March 22, 5:00 p.m., which will be after the Housing Authority holds its meeting.

Council members were excited about this project.

## **REPORTS**

### **Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

Mr. Tuttle noted on Page 8 the percentage of change for the Sales Tax Revenues should have been 4.5%, not 5.94% as reported (due to formula error).

### **Monthly Departmental Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered filed.*

Chief Weiler clarified for the Mayor that when "unstaffed" is indicated on the monthly fire report, it means that the station was empty due to all personnel being away at a call. If the condition exists, Mutual Aid response takes over.

## **Planning Reports**

### **Review of 1953, 1968, and 1981 Comprehensive Plans—Reed Nester, Planning Director**

Mr. Nester reported that a lot of information could be obtained by looking at past Comprehensive Plans. Making a Powerpoint presentation, Mr. Nester gave an overview of the 1953 Comprehensive Plan recommendations, which included population, new buildings 1937-1951, existing development, future population growth, existing parking and parking plans, redevelopment, transportation, road development, entrances to the city, possible underground wiring, existing schools and parks as well as proposed, and the Capital Improvement Plans. Mr. Nester continued to review the 1968 and 1981 Comprehensive Plans. Some recommendations of the plans were good ones, and some were not implemented. He pointed out that reviewing past plans provides a good basis of history when staff and the Planning Commission begin work on the current Comp Plan update.

Council members appreciated seeing this interesting presentation. Mr. Haulman confirmed that the Plans were available at the Planning Office. He suggested that Mr. Nester's presentation be placed on the city's website. Mr. Nester said that many of the old maps were done by hand and that there is only one copy of the 1953 Plan. The clerk offered to contact the Library of Virginia regarding microfilming of the Comprehensive Plan and archival services.

### **City Manager Reports**

#### **Contract of Purchase, 120 and 122 Red Dirt Road, York County**

Reference for this item was Mr. Tuttle's report dated March 4, 2004, which include a copy of the Contract of Purchase. Mr. Tuttle said that two residential lots in the Waller Mill watershed are proposed for purchase and to pursue open space and land conservation. The purchase price is \$40,000 for the 1.9-acre property. Staff recommended authorization to proceed to closing.

Council members agreed that the city needed to vigilantly protect its watershed and concurred with the purchase.

*Mr. Scruggs Moved that City Council Authorize the City Manager to Proceed to Closing with the Purchase of Lots 120 and 122 Red Dirt Road in the Amount of \$40,000 Based on Documents Approved by the City Attorney, and with the Condition That Issues of Property Clean-Up Be Addressed to the Satisfaction of the City Manager and Staff. Mr. Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

The Mayor commented that city staff continues to review site plans for development in York County at the city line or in the water shed area. We need to be very vigilant about protection of the water supply for the city.

#### **Heritage Humane Society Lease Agreement—Verbal Status Report**

Mr. Tuttle provided a progress report on the lease agreement for additional land that is required for expansion of the shelter. The land is to be provided at no cost to the Humane Society, but the agreement is still being worked on. Mr. Phillips reported that because the lease is longer than five years, a public hearing is required before action is taken by Council on the lease. If the Humane Society should decide not to expand, the land reverts back to the city. The lease provisions are being resolved. Mr. Phillips expected the lease to be ready for a public hearing next month.

Mr. Haulman commented this was a great opportunity for a public/private partnership for a much needed service in our community. He was in hopes that the other jurisdictions would do their part.

### **City Attorney Report**

#### **Amend and Restate Chapter 12 (Nuisances) of the City Code, *Proposed Ordinance #04-05***

Reference for this item was Mr. Phillips report dated March 4, 2004. Mr. Phillips explained that the proposed ordinances amends and restates existing Chapter 12 of

the City Code. The revisions will provide the police with better tools to work with when nuisances occur. The Virginia Code was surveyed to identify pertinent enabling legislation and to assure that the provisions accord with the enabling legislation and reflect the permitted fine and penalties. Mr. Phillips gave highlights of the ordinance and noted that the numbering should be corrected.

Council members and Mr. Phillips discussed the proposed ordinance, especially the section addressing large parties. Mr. Scruggs was opposed to Section 12-29 #6, regarding Large Party Public Nuisance, and suggested it be removed from the ordinance, along with the description of "large party public nuisance" from the Definitions. Chief Yost explained that this provision would give officers the authority to make the appropriate charges, especially when they must make repeat visits. It is valuable to address this specifically. Mr. Haulman disagreed with Mr. Scruggs. He believed it was public policy to protect and preserve the community as well as individual rights. This will clarify options for police officers, and will help them to handle a large party situation.

*Mr. Houghland Moved that City Council Approve Proposed Ordinance #04-05, An Ordinance to Amend and Restate Chapter 12 of the Williamsburg Code. The Motion Was Seconded by Mr. Tabb.*

*Aye: Haulman, Zeidler, Houghland, Tabb*  
*No: Scruggs*

**Amend Chapter 10 (Miscellaneous Offenses), Proposed Ordinance #04-06**

Reference for this item was Mr. Phillips report regarding the Proposed Ordinance. Mr. Phillips said that Proposed Ordinance #04-06 clarifies what constitutes a Class I misdemeanor (which deals with disorderly conduct, public intoxication), and makes the penalty apparent.

*Mr. Haulman Moved That City Council Approve Proposed Ordinance #04-06, An Ordinance to Amend Section 10-81 of Chapter 10 of the Williamsburg Code in Order to Prescribe a Specific Penalty for Violation Thereof. The Motion was seconded by Mr. Houghland.*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*  
*No: None*

**Amend Chapter 5 (Building Regulations), Proposed Ordinance #04-07**

Reference for this item was Mr. Phillips report regarding the Proposed Ordinance. Mr. Phillips said that Proposed Ordinance #04-07 is a "housekeeping" ordinance that brings our enforcement in line with the State's Uniform Statewide Building Code. In the future, mandated changes will be automatically included to the City Code.

*Mr. Houghland Moved That City Council Adopt Proposed Ordinance #04-07, An Ordinance Redesignating Section 5-2 and 5-3 and Amending Redesignated Section 5-2 and Sections 5-22 and 5-162 of Chapter 5, Building and Building Regulations of the Code of the City of Williamsburg. The Motion Was Seconded by Mr. Haulman.*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

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*No: None*

The meeting adjourned at 3:55 p.m.

Approved: April 8, 2004

Shelia Y. Crist  
Clerk of Council

Jeanne Zeidler  
Mayor